

# MINUTES

CASE NUMBER: CRIMINAL NO. 18-00039 LEK

CASE NAME: USA vs. James Wayne Shamblin

ATTYS FOR PLA: Marshall H. Silverberg  
Craig S. Nolan

ATTYS FOR DEFT: Andrew M. Kennedy

---

JUDGE: Leslie E. Kobayashi

REPORTER: Debra Read

DATE: 2/28/2020

TIME: 1:30 PM - 2:00 PM

---

COURT ACTION: EP: [114], [115], [116], [117], [118], [119], [120], [121] MOTIONS hearing and Prehearing Status Conference regarding [127] and [130] as to defendant James Wayne Shamblin held.

Defendant present in custody.

Court has reviewed all briefing previously submitted by the parties. Court hears additional argument and makes the following rulings:

[116] Second MOTION to Suppress Defendant's Second Pretrial Motion: Motion to Suppress Fruits of Warrantless Seizure of Backpack- **DENIED**

[115] First MOTION to Suppress Defendant's First Pretrial Motion: Motion to Suppress Fruits of Initial Seizure, and Request for Franks Hearing Regarding Arrest Warrant WA 17-1-000163 - **DENIED**

[117] Third MOTION to Suppress Defendant's Third Pretrial Motion: Motion to Suppress Due to Warrantless Entry Into Hotel Room - **DENIED**

[118] First MOTION to Dismiss on Speedy Trial Defendant's Fifth Pretrial Motion: Motion to Dismiss Count 14 for Violation of 18 U.S.C. 3161(b) - **DENIED**

[119] MOTION Motion for (1) In Camera Review of Grand Jury Ballot; and (2) For Disclosure of Grand Jury Instructions - **TAKEN UNDER ADVISEMENT**

[120] MOTION Motion for In Camera Review of Grand Jury Testimony of Witness and Motion to Dismiss Indictment for Failure to Correct False Testimony - **TAKEN UNDER**

## **ADVISEMENT**

[121] MOTION to Dismiss Defendant's Sixth Pretrial Motion: Motion To Dismiss For Destruction/Failure To Preserve Favorable Evidence of In The Alternative Evidentiary Sanctions - **DENIED**

Defendant, James Wayne Shamblin has been removed from the Courtroom. Defendant has indicated by his conduct as well as his statements that he is not going to follow the rules of the Court and therefore is not going to be permitted to be in the Courtroom for the remainder of the hearing. Any request to have counsel withdraw and/or to represent himself must be filed in writing.

Discussion held.

Prehearing Status Conference held regarding:

[127] First MOTION to Amend/Correct [101] Stipulation and Order Motion to Amend Order Granting Stipulation For Independent Laboratory Testing For Sample(s) of Evidence (Dkt No. [101] - **WITHDRAWN**

The parties will move forward as scheduled for the Motion hearing on 3/4/2020 at 2:45 PM with regards to:

[130] MOTION to Suppress Defendant's Proposed Fourth Pretrial Motion: Motion for Franks Hearing As To Search Warrants SW2017-AH-0032 and SW2017 AH-0033

Government addresses briefing deadline regarding Motions in limine. Counsel to meet and confer and submit a stipulation for the Court's consideration.

Submitted by: Agalelei Elkington, Courtroom Manager